

ENGLISH  
HISTORICAL DOCUMENTS

c. 500–1042

*Edited by*  
**DOROTHY WHITELOCK**  
M.A., Litt.D., F.S.A.  
*Vice-Principal of St. Hilda's College, Oxford*

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26. If anyone captures a freeman with the stolen goods on him, the king is to choose one of three things; he is either to be killed or sold across the sea or redeemed with his wergild.

26.1. He who discovers and captures him, is to have the right to half of [the payment for] him; if he is killed, 70 shillings is to be paid to them.<sup>1</sup>

27. If a slave steals and is redeemed, [this is to be at] 70 shillings, whichever the king wishes.<sup>2</sup> If he is killed, half is to be paid for him to the possessor.<sup>3</sup>

28.<sup>4</sup> If a man from a distance or a foreigner goes off the track, and he neither shouts nor blows a horn, he is to be assumed to be a thief, to be either killed or redeemed.

### 32. The laws of Ine (688–694)

We owe the survival of the laws of the West Saxon king, Ine, who reigned from 688 to 726, solely to their being added as a supplement to the laws of Alfred, who expressly mentions his use of them. They belong to the episcopate of Eorcenwold of London. They are of particular interest, as being the earliest we possess, apart from those of the Kentish kings. It is not, however, safe to assume that we have them complete, for King Alfred may have had copied only such as were useful for his purpose, and have ignored any which time had made a dead letter. Ine's laws survive in the same manuscripts as those of Alfred (see pp. 328f). In view of their especial interest, I have given them in full. The text is edited by Liebermann, i, pp. 88–123; and with English translation by Attenborough, pp. 36–61. Thorpe, i, pp. 102–151.

**PROLOGUE.** I, Ine, by the grace of God, king of the West Saxons, with the advice and with the instruction of my father Cenred, and my bishop Hædde, and my bishop Eorcenwold, along with all my ealdormen and the chief councillors of my people, and also a great assembly of the servants of God, have been inquiring about the salvation of our souls and about the security of our kingdom, that true law and true statutes might be established and strengthened throughout our people, so that none of the ealdormen or of our subjects might afterwards pervert these our decrees.

1. First we enjoin that the servants of God rightly observe their proper rule.

1.1. After that, we enjoin that the law and decrees of all the people are to be observed thus:

2. A child is to be baptized within 30 days; if it is not, 30 shillings compensation is to be paid.

2.1. If it then die without being baptized, he is to compensate for it with all that he possesses.

3. If a slave works on Sunday at his master's command, he is to be free, and the master is to pay 30 shillings as a fine.

3.1. If, however, the slave works without his knowledge, he is to be flogged.<sup>5</sup>

3.2. If then a freeman works on that day without his lord's command, he is to forfeit his freedom.<sup>6</sup>

<sup>1</sup> His capturers, who would otherwise lose by the king's choice of the death-penalty. But if *heom* is a mistake for the singular, *him*, it could mean 'for him' and the situation envisaged might be if the capturer took the law into his own hands, killed the thief, and thus robbed the king of his choice. He would have to compensate for it.

<sup>2</sup> This law is awkwardly expressed if the alternative is the death-penalty. But some alternative price of redemption may perhaps have been accidentally omitted.

<sup>3</sup> Presumably the man who captured him.

<sup>4</sup> Almost identical with Ine 20.

<sup>5</sup> C.C.C.C., MS. 383, adds: "or (pay) the 'hide-price'", i.e. the sum to save him from being flogged.

<sup>6</sup> *Ibid.* adds: "or 60 shillings, and a priest is doubly liable".

4. Church-scot is to be given by Martinmas; if anyone does not discharge it, he is to be liable to 60 shillings and to render the church-scot twelve-fold.

X 5. If anyone is liable to the death penalty and he reaches a church, he is to retain his life and to compensate as the law directs him.

5.1. If anyone is liable to be flogged, and reaches a church, the flogging is to be remitted.

6. If anyone fights in the king's house, he is to forfeit all his possessions, and it is to be at the king's judgment whether he is to keep his life or not.

6.1. If anyone fights in a minster, he is to pay 120 shillings compensation.

6.2. If anyone fights in the house of an ealdorman or other important councillor, he is to pay 60 shillings compensation and is to give another 60 shillings as a fine.

6.3. If then he fights in the house of a rent-payer<sup>1</sup> or a *gebur*,<sup>2</sup> he is to pay 120 shillings as a fine and six shillings to the *gebur*.

6.4. And even if the fighting is in the midst of the open country, 120 shillings is to be given as a fine.

6.5. If, however, they quarrel at their drinking, and one of them bears it with patience, the other is to pay 30 shillings as a fine.

X 7. If anyone steals without his wife and his children knowing, he is to pay 60 shillings as a fine.

7.1. If, however, he steals with the knowledge of all his household, they are all to go into slavery.

7.2. A ten-year-old boy can be [considered] privy to a theft.

8. If anyone asks for justice in the presence of any official<sup>3</sup> or other judge, and can not obtain it, and [the accused] will not give him a pledge, he [the accused] is to pay 30 shillings compensation, and within seven days make him entitled to justice.

9. If anyone has recourse to distraint<sup>4</sup> before he asks for justice for himself, he is to give back what he seized and pay as much again and pay 30 shillings compensation.

10. If anyone within the boundaries of our kingdom commit robbery and rapine, he is to give back the plunder and give 60 shillings as a fine.

11. If anyone sells his own countryman, bond or free, even if he is guilty, across the sea, he is to pay for him with his [own] wergild.<sup>5</sup>

X 12. If a thief is caught [in the act], he is to die the death, or his life is to be redeemed by his wergild.

<sup>1</sup> The term used is *gafolgeda*. On its meaning, see next note.

<sup>2</sup> The *gebur* is called by Sir Frank Stenton "a free, but economically dependent peasant". He received his land and stock from a lord and rendered agricultural services and other dues. If Ine's law were meant to cover all classes of free peasant in this chapter, *gafolgeda* would have to be applied to the peasant who farmed land of his own; but, though Alfred 39 speaks simply of *ceorl* in this connexion, it is not safe to assume that this was Ine's meaning. Alfred need not merely be repeating Ine's ruling, but may be improving on it. Ine's list here of compensations for fighting in houses is surely not meant to be exhaustive; the *gesith-cund* classes are omitted, so it would not be odd if the peasant farming his own land received no mention. The law is probably confined to cases about which there could be uncertainty, or where it was desired to make an alteration. If we assume this, we may take the *gafolgeda* to be, as the word suggests, one who holds land from a lord at a rent; and both he and the *gebur* can be included in the phrase in Alfred's treaty with Guthrum, "the *ceorl* who occupies *gafolland*" (see p. 381).

<sup>3</sup> *scirman*.

<sup>4</sup> The word *wracu* frequently means 'vengeance', but from what follows, it is clear that it is here used in a narrower meaning, of illegal distraint.

<sup>5</sup> C.C.C.C., MS. 383, adds: "and atone for it deeply with God".

13. If anyone in the bishop's presence bears false witness and breaks his pledge, he is to pay 120 shillings compensation.

13.1. We call up to seven men 'thieves'; from seven to thirty-five a 'band'; above that it is an 'army'.

14. He who is accused of [complicity with] a band [of marauders] is to clear himself by [an oath of] 120 hides, or compensate correspondingly.<sup>1</sup>

15. He who is accused of [taking part in] the raid of any army is to redeem himself with his wergild or clear himself by [an oath of the amount of] his wergild.

15.1. With communicants, the oath shall be [only] half as much.

15.2. A thief, when he is in the king's bonds, has then no right to purge himself.

16. He who slays a thief may declare with an oath that he slew him as a guilty man, by no means the associates.<sup>2</sup>

17. He who finds stolen and hidden meat, may, if he dares, declare with an oath that he owns it; he who traces it has the reward due to an informer.

18. If a *ceorl* is often accused, and if at the last he is taken [in the act], his hand or foot is to be struck off.

19. A king's *geneat*,<sup>3</sup> if his wergild is 1200 shillings, may, if he is a communicant, swear for 60 hides.

20.<sup>4</sup> If a man from a distance or a foreigner goes through the wood off the track, and does not shout nor blow a horn, he is to be assumed to be a thief, to be either killed or redeemed.

21. If anyone then asks for the wergild of the slain man, [the slayer] may declare that he slew him as a thief; by no means the associates or the lord of the slain man.<sup>5</sup>

21.1. If he [the slayer], however, conceals the deed and it is revealed long after, he opens the way to the oath for the dead man, so that his kinsmen may prove him guiltless.

22. If your *geneat*<sup>6</sup> steals and escapes from you, if you have a surety, demand the compensation from him; if he has no surety, pay you the compensation, and he is not to be any nearer a settlement on that account.

23. If a foreigner is slain, the king has two-thirds of the wergild, his son or kinsmen the third part.

23.1. If, however, he is without kinsmen, half [goes to] the king, half to the *gesith*.<sup>7</sup>

<sup>1</sup> When an oath is expressed in hides, their number often corresponds to the number of shillings in the fine, so a fine of 120 shillings is meant.

<sup>2</sup> This obscure statement probably means that the thief's associates have no right to swear to his innocence. These associates (*gegilan*) have been variously interpreted. Liebermann thinks that already we have a guild like that in VI Athelstan (see No. 37); he notes that in Ine 21, 21.1, the term seems to interchange with 'kinsmen', but suggests that the latter word is being used widely. But it may be *gegilan* which is vague, denoting "those associated with him in payment" (Attenborough), primarily his kinsmen. See p. 334.

<sup>3</sup> This word denotes originally 'a member of a household' and may in these early laws be being used quite generally. By the eleventh century it is used of men who hold land from a lord and pay rent and certain honourable services (especially riding duties), and who seem to correspond to a class called 'radenichts' in Domesday Book. In its technical sense a *geneat* differs from a *gesith* in not normally being of the noble class. On *gesith*, see p. 362, n. 3.

<sup>4</sup> Almost identical with Wihtred 28.

<sup>5</sup> i.e. they are not to have a prior right to produce an oath.

<sup>6</sup> See n. 4 above.  
<sup>7</sup> Liebermann takes *gesith* here in the general sense of 'companion', comparing the *gegilan* of Alfred 31, but it is more probable that Attenborough is right in taking it as 'the man under whose protection he has been', which makes better sense of the next clause. On *gesith*, see also p. 362, n. 3.

23.2. If, however, it is an abbot or an abbess,<sup>1</sup> they are to share in the same way with the king.

23.3. A Welsh rent-payer<sup>2</sup> [has a wergild of] 120 shillings, his son, 100; a slave [is to be paid for with] 60, some with 50; a Welshman's hide with 12 [shillings].<sup>3</sup>

24. If a penally enslaved Englishman runs away, he is to be hanged and nothing paid to his master.

24.1. If anyone kills him, nothing is to be paid to his kinsmen if they have not redeemed him within twelve months.

24.2. A Welshman, if he has five hides, is a man of a six-hundred wergild.

25. If a trader buys among the people in the countryside,<sup>4</sup> he is to do it before witnesses.

25.1. If stolen property in a trader's possession is attached, and he has not bought it before good witnesses, he is to declare by [an oath of the amount of] the fine, that he was neither accessory nor confederate to the theft; otherwise he is to pay 36 shillings as a fine.

26. For the maintenance of a foundling six shillings is to be paid<sup>5</sup> for the first year, 12 for the second, 30 for the third, and afterwards according to its appearance.

27. Whoever begets an illegitimate child and does not acknowledge it, has no right to the wergild at its death, but its lord and the king [have it].

28. He who captures a thief has a right to 10 shillings, and the king to the thief; and the kinsmen are to swear to him oaths that they will wage no feud.

28.1. If he, however, runs away and gets out of sight, then he [who captured him] is liable to the fine.

28.2. If he wishes to deny it, he is to do so by [an oath corresponding to] the property and the fine.

29. If anyone lends a sword to another's servant,<sup>6</sup> and he runs away, he is to pay for him a third; if he gives him a spear, half; if he lends him a horse, he is to pay his full value.

30. If a *ceorl* is accused of harbouring fugitives, he is to exculpate himself by [an oath of the amount of] his own wergild; if he cannot, he is to pay for [harbouring] him his own wergild; and the man of *gesith* rank similarly by his wergild.<sup>7</sup>

31. If one buys a wife, and the marriage does not take place, the money is to be paid back, and as much again, and the surety is to receive compensation, as much as the breach of his surety<sup>8</sup> costs.

32. If a Welshman has a hide of land, his wergild is 120 shillings; if, however, he has a half hide, 80 shillings; if he has none, 60 shillings.

<sup>1</sup> i.e. who has previously protected the foreigner.

<sup>2</sup> Apparently the highest class of Welsh peasant. See p. 365, n. 1.

<sup>3</sup> i.e. a Welshman must pay this sum to save himself from a flogging.

<sup>4</sup> Outside the ports or towns. With the use of the word *up* in this sense should be compared the adjective *uplandisc* 'rural, rustic'.

<sup>5</sup> Probably by the king's representative, for it was the king who would be entitled to the wergild of a person of unknown kin.

<sup>6</sup> *esne*, usually an unfree servant. See p. 359, n. 6.

<sup>7</sup> i.e. if he is accused of this crime he swears or pays according to his wergild. On *gesith*, see p. 359, n. 2.

<sup>8</sup> *borgbryce*; this term is often used to cover the same complex of rights as *mundbryce*. On *mund*, see p. 334.

33. The king's Welsh horseman,<sup>1</sup> who can carry his messages, his wergild is 200 shillings.

34. Whoever was present on the expedition made for the purpose of killing a man,<sup>2</sup> is to clear himself of the killing and pay compensation for the expedition according to the wergild of the slain man.

34.1. If his wergild is 200 shillings, he is to pay 50 shillings compensation; and one is to proceed with the same proportion in the case of the nobler born.

35. He who slays a thief may declare with an oath that he slew him fleeing as a thief, and the kinsmen of the dead man are to swear to him an oath not to carry on a feud. If, however, he conceals it and it is revealed later, he is then to pay for him.

35.1. If one vouches to warranty for property a man who had previously denied it on oath, and wishes to deny it again, he is to deny it with an oath equivalent to the fine and to the value of the property; if he will not deny it on oath, he is to pay double compensation for the false oath.

36. He who captures a thief, or is given a captured thief, and he then lets him get away, or conceals the theft, is to pay for that thief with his<sup>3</sup> wergild.

36.1. If he is an ealdorman, he is to lose his office, unless the king wishes to pardon him.

37. The *ceorl*, who has often been accused of theft, and then at last is proved guilty at the ordeal or else in obvious guilt, is to have hand or foot struck off.

38. If a husband<sup>4</sup> and wife have a child together, and the husband dies, the mother is to have her child and rear it; she is to be given six shillings for its maintenance, a cow in summer, an ox in winter; the kinsmen are to take charge of the paternal home,<sup>5</sup> until the child is grown up.

39. If anyone goes away from his lord without permission, or steals into another 'shire',<sup>6</sup> and is discovered there, he is to return to where he was before and pay 60 shillings to his lord.

40. A *ceorl's* homestead must be fenced winter and summer. If it is not fenced, and his neighbour's cattle get in through his own gap, he has no right to anything from that cattle; he is to drive it out and suffer the damage.

41. Anyone can deny bail<sup>7</sup> by oath if he knows that he is doing right.

42. If *ceorls* have a common meadow or other land divided in shares to fence, and some have fenced their portion and some have not, and [if cattle] eat up their common crops or grass, those who are responsible for the gap are to go and pay to the others, who have fenced their part, compensation for the damage that has been

<sup>1</sup> *horswealh*. The word *wealh* is ambiguous in Old English, meaning either a 'Welshman' or a 'slave'. From the context, I assume the former meaning here, the king's service raising the status of the Welshman so that he is entitled to the wergild of an English freeman. By itself, the law could mean that an unfree horse-servant in the king's service was to be paid for as a freeman, which would then remind us of Ethelbert 7.

<sup>2</sup> I take the subjunctive mood after 'that' to suggest purpose rather than result. <sup>3</sup> i.e. the thief's?

<sup>4</sup> Or *ceorl* may be being used in its usual sense of the ordinary freeman. The amounts paid are low enough to suggest that it is this class that the law has in mind, but it may not intend to exclude the nobility in the first part of the regulation.

<sup>5</sup> *frumstol*, literally 'first seat', therefore 'principal (or 'original') residence'.

<sup>6</sup> In the early laws it is uncertain whether 'shire' already bears its later definite meaning, or is used more generally of 'jurisdiction', or 'district under one's jurisdiction'. <sup>7</sup> Or perhaps 'a debt'.

done there. They are to demand with regard to<sup>1</sup> those cattle such reparation as is proper.

42.1. If, however, it is any of the cattle which breaks the hedges and enters anywhere, and he who owns it would not or could not control it, he who finds it on his arable is to seize it and kill it; and the owner is to take its hide and flesh and suffer the loss of the rest.

43. If anyone burns down a tree in the wood, and it is disclosed who did it, he is to pay full fine; he is to pay 60 shillings, for fire is a thief.

43.1. If anyone fells in the wood quite a number of trees, and it afterwards becomes known, he is to pay for three trees at 30 shillings each; he need not pay for more of them however many they were, for the axe is an informer, not a thief.

44. If, however, anyone cuts down a tree under which 30 swine could stand, and it becomes known, he is to pay 60 shillings.

44.1. The blanket paid as rent from each household<sup>2</sup> shall be worth sixpence.

45. Forceable entry into the residence of the king or the bishop, within his own diocese, one shall compensate with 120 shillings; [into that] of an ealdorman, with 80 shillings; [into that] of a king's thegn, with 60 shillings; [into that] of a *gesith-born* man who owns land, with 35 shillings; and deny it correspondingly.

46. When anyone accuses a man that he stole cattle or received stolen cattle, he must deny the theft by [an oath of] 60 hides, if he is entitled to give an oath.<sup>3</sup>

46.1. If, however, the accusation is produced by an Englishman, it is to be denied with an oath of double this size; if it then is a Welshman's accusation, the oath is no greater on that account.

46.2. Every man may deny by oath harbouring [of stolen goods?] and homicide, if he can and dare.

47. If anyone attaches stolen cattle, [the accused] may not vouch a slave to warranty.

48. If any man is a newly enslaved penal slave, and he is accused of having stolen before he was enslaved, the accuser then has the right to give him one flogging; he can compel him to the flogging by [an oath of the amount of the stolen] goods.

49. If anyone finds swine on his mast-pasture without his permission he is to take then a pledge worth six shillings.

49.1. If, however, they were not there more often than once, the owner is to pay a shilling, and declare that they have not been there more often, by [an oath of] the value of the swine.

49.2. If they were there twice, he is to pay two shillings.

49.3. If one takes pannage in pigs, [one is to take] the third with the bacon three fingers thick, the fourth with it two fingers thick, the fifth with it a thumb thick.

50. If a *gesith-born* man intercedes with the king or the king's ealdorman or with

<sup>1</sup> Or 'from'. The sentence can be variously interpreted, to mean either that those whose property has been injured are to assess their damages as is proper, or that those who neglected the fence may have some claim against the owner of the damaging cattle.

<sup>2</sup> Or perhaps *hiwisc* means here, as sometimes elsewhere, a hide of land. I am uncertain whether the meaning is that a 'blanket' was paid from each household with at least one hide of land, or else one had to be rendered for every hide.

<sup>3</sup> i.e. if he has not forfeited his right to swear an oath by previous conviction for crime, especially perjury.

his lord for members of his household, slaves or freemen, he, the *gesith*,<sup>1</sup> has no right to any fines, because he would not previously at home restrain them from wrong-doing.

51. If a *gesith-born* man, who owns land, neglects military service, he is to give 120 shillings and to forfeit his land; one who owns no land, 60 shillings, a *ceorl* 30 shillings, as fine for [neglect of] military service.

52. He who is accused of secret compacts, is to clear himself of [complicity] in the compacts with [an oath of] 120 hides, or pay 120 shillings.

53. If anyone attaches a stolen slave in the possession of another, and the person is dead who sold him to the man in whose possession he was attached, he is to vouch the grave of the dead man to warranty for the slave, as for other property, whatever it may be, and declare in that oath of [the amount of] 60 hides that the dead man sold him to him. Then with that oath he has done away with the fine; he is to give the slave back to the owner.

53.1. If, however, he knows who has the dead man's inheritance, he is then to vouch the inheritance to warranty, and ask the person that has the inheritance to make that purchase<sup>2</sup> incontestable, or to declare that the dead man never owned that property.

54. He who is accused of homicide, and wishes to deny the slaying with an oath –then there shall be in the hundred [hides]<sup>3</sup> a man entitled to swear a king's oath at 30 hides, both in the case of a *gesith-born* man or a *ceorl*,<sup>4</sup> whichever it be.

54.1. And if wergild is paid, then he may give in each of the hundreds [of the wergild] a slave, and a coat-of-mail and a sword, if he need.

54.2. A penalty enslaved Welshman shall be compelled to [suffer] a flogging as a slave by [an oath of] 12 hides, an Englishman by [an oath of] 34 hides.<sup>5</sup>

55. A ewe with her lamb is worth a shilling until 12<sup>6</sup> days after Easter.

56. If anyone buys any cattle and he then finds any unsoundness in it within 30 days, he is to hand it back to the seller, or [the latter] is to swear that he knew of no fraud when he sold it to him.

57. If a husband steals any cattle and brings it into his house, and it is seized therein, he is guilty for his part, but without his wife, for she must obey her lord; if she dare declare with an oath that she did not taste of the stolen meat, she is to receive her third portion.<sup>7</sup>

58. The horn of an ox is valued at tenpence.

59. The horn of a cow [is valued at] twopence; the tail of an ox is valued at a shilling; that of a cow at fivepence; the eye of an ox is valued at fivepence, that of a cow at a shilling.

<sup>1</sup> See p. 362, n. 3. This passage seems to imply that a *gesith* may have a lord other than the king. The lord envisaged in this passage may be someone to whom the king has granted rights of jurisdiction.

<sup>2</sup> *ceap* will refer either to the transaction of purchasing, or to the thing purchased. Attenborough translates here "[his title to] the chattel".

<sup>3</sup> e.g. if an oath, expressed in hides, was to be given in a suit where the fine involved was a freeman's wergild of 200 shillings, there would have to be two men entitled to swear for 30 hides; if the highest wergild were involved, of 1200 shillings, there would have to be twelve of them.

<sup>4</sup> Does this refer to the slayer, or the slain man?

<sup>5</sup> The original reading may have been 24, double the oath for a Welshman.

<sup>6</sup> Fourteen in the later MSS. <sup>7</sup> i.e. if his possessions are forfeit, a third is retained by her.

59.1. As barley-rent, six weys must always be given for each labourer.

60. The *ceorl* who has hired another's yoke [of oxen], if he has enough to pay for it entirely in fodder—let one see that he pays in full; if he has not, he is to pay half in fodder, half in other goods.

61. Church-scot is to be paid from the haulm<sup>1</sup> and the hearth where one resides at midwinter.<sup>2</sup>

62. When a charge is brought against a man, and he is driven to the ordeal, and he himself possesses nothing to give, in order to avoid the ordeal; and another man comes forward and gives his goods instead, on what terms he can obtain, on condition that he becomes subject to him until he can restore his property to him; and then he is again a second time accused and driven to the ordeal; if he who before gave goods on his behalf will not support him further, and he [the accuser] takes him, he [the creditor] is to lose his goods, which before he paid on his behalf.

63. If a *gesith-born* man moves elsewhere, he may then have with him his reeve and his smith and his children's nurse.

64. He who has 20 hides must show 12 hides of sown land when he wishes to leave.

65. He who has 10 hides, must show six hides of sown land.

66. He who has three hides is to show one and a half.

67. If anyone covenants for a yardland or more at a fixed rent, and ploughs it, if the lord wishes to increase for him the [rent of the] land by demanding service as well as rent, he need not accept it, if he does not give him a dwelling; and he is to forfeit the crops.<sup>3</sup>

68. If a *gesith-born* man is evicted, he is to be evicted from the dwelling, but certainly not from the cultivated land.

69. A sheep must go with its fleece until midsummer, or else the fleece is to be paid for at twopence.

70. For a man of a two-hundred wergild there is to be paid a compensation to the lord of 30 shillings; for a man of a six-hundred wergild, 80 shillings; for a man of a twelve-hundred wergild, 120 shillings.

70.1. As a food-rent from 10 hides: 10 vats of honey, 300 loaves, 12 'ambers' of Welsh ale, 30 of clear ale, 2 full-grown cows, or 10 wethers, 10 geese, 20 hens, 10 cheeses, an 'amber' full of butter, 5 salmon, 20 pounds<sup>4</sup> of fodder and 100 eels.

71. If anyone is accused on a charge involving payment of wergild, and he then admits it before the oath, and has previously denied it, one is to wait for the fine until the wergild has been paid.

72. If a thief who would be liable to pay his wergild<sup>5</sup> is captured, and he escapes

<sup>1</sup> The phrase *healme and heorðe* is an alliterative formula to refer to the whole homestead, its dwelling-place and its cultivated land. The *healm* 'stubble' refers to the fields from which the harvest was garnered.

<sup>2</sup> This term usually means Christmas, but as church-scot was due at Martinmas (11 November), it probably has a wider meaning here.

<sup>3</sup> I assume that the situation considered is when the original agreement has expired, and the lord will not renew it on the old terms.

<sup>4</sup> Liebermann translates 'Wispel', a German measure of about 24 bushels.

<sup>5</sup> Literally, 'a wergild-thief'. Liebermann takes it to mean any criminal who would have to pay his wergild to redeem himself.

on the same day from the men who have caught him, yet he is recaptured the same night, one has no right to more than full fine from them.<sup>1</sup>

73. If, however, the theft is now a night old, those who caught him are to pay compensation for their fault<sup>2</sup> as they may compound with the king and with his reeve.

74. If a Welsh slave kills an Englishman, then he who owns him shall surrender him to the lord and kinsmen [of the slain man], or pay 60 shillings for his life.

74.1. If, however, he will not pay the price for him, the master must then set him free; his kinsmen are then to pay the wergild if he has a free kindred; if he has not, the avengers are to deal with him.

74.2. The freeman need not pay money for his kinsman<sup>3</sup> along with a slave, unless he wishes to redeem him from a vendetta; nor the slave along with the freeman.

75. If anyone attaches stolen property, and the person with whom it is attached vouches another man to warranty, if that man will not admit it and says he never sold it to him, but sold him something else, then he who is vouching that person to warranty may declare that he sold him nothing other than that same thing.

76. If anyone kills the godson or godfather of another, the compensation for the [spiritual] relationship is to be the same as that to the lord; the compensation is to increase in proportion to the wergild, the same as the compensation for his man does which has to be paid to the lord.

76.1. If, however, it is the king's godson, his wergild is to be paid to the king the same as to the kindred.

76.2. If, however, he was resisting him who slew him, then the compensation to the godfather is remitted, in the same way as the fine to the lord is.

76.3. If it is a spiritual son at confirmation, the compensation is to be half as much.

### 33. The laws of Alfred (871-899)

On Alfred as a law-giver, see p. 331 above. His laws survive in full in two manuscripts, the early tenth-century C.C.C., MS. 173, and the twelfth-century *Textus Roffensis*. The twelfth-century C.C.C., MS. 383 has lost the introduction and the beginning of the laws themselves, while only fragments are now left of what were doubtless complete versions in the early eleventh-century British Museum manuscripts, Cott. Otho B. xi and Cott. Nero A. i; there was probably once a version also in the pre-Conquest British Museum manuscript Burney 277, for, though only a fragment of the laws of Ine now survives, it is likely that this code was preceded by Alfred's, as in all other manuscripts which contain it. The code probably belongs to the middle of the reign. Alfred's laws were used by later Saxon codes, and were translated into Latin in *Quadrupartitus*. I have given only a small selection from the introduction, but a full version of the laws themselves, except for some details on the tariffs for injuries. The text is edited by Liebermann, 1, pp. 15-89; with English translation by Attenborough, pp. 62-93, Thorpe, 1, pp. 44-101. Attenborough omits Alfred's introduction.

Int. 28.<sup>4</sup> If anyone entrust property to his friend, if he steal it himself, let him repay two-fold. If he knows not who stole it, let him clear himself, that he committed

<sup>1</sup> Those who let him escape. 'Full fine' is 120 shillings. Since *peah* could mean 'even if' instead of 'yet', and *him* could be 'him' as well as 'them', this passage could read: "even if he is recaptured the same night, one has no right to more than full fine from him", i.e. the thief can no longer be regarded as one caught in the act, and is liable only to the fine of 120 shillings. But the first interpretation fits better with the following clause.

<sup>2</sup> In letting him escape.  
<sup>3</sup> *mid pam peowan mag gieldan*. Liebermann suggests that *mag* here means 'payment for kindred' (cf. *wer* for *wergild*), or that we have a compound verb *mag gieldan*. But possibly *mag* is an error for the dative *mæge*, when we could read: "a freeman need not pay along with a servile kinsman".

<sup>4</sup> Cf. Exodus xxii. 7, 8, 10, 11.